

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

COREY ANDERSON,

Petitioner,

VS.

STATE OF GEORGIA,

Respondent.

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NO. 4:22-CV-60-CDL-MSH

ORDER

Pro se Petitioner Corey Anderson filed a Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody. ECF No. 1. He is not, however, a federal prisoner. It is unclear if Petitioner was confined in state prison or a mental health facility. *Id.* at 3. Petitioner complained about a July 2012 conviction in Muscogee County, Georgia. *Id.* at 1.

On March 29, 2022, the Court instructed Petitioner to file a 28 U.S.C. § 2254 petition and to either pay the \$5.00 filing fee or move to proceed *in forma pauperis*. ECF No. 3. Petitioner did not respond to this Order. On April 18 2022, the Court gave Petitioner fourteen days to show cause why his action should not be dismissed for failure to respond to the Court's March 29, 2022 Order. ECF No. 5. Petitioner has not responded to the Show Cause Order.

Due to Petitioner's failure to follow the Court's Orders and prosecute this action, the case is hereby **DISMISSED WITHOUT PREJUDICE**. Fed. R. Civ. P. 41(b); *Brown*

v. Tallahassee Police Dep't, 205 F. App'x 802, 802 (11th Cir. 2006) (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) (“The court may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order.”).

SO ORDERED, this **9th** day of **May, 2022**.

S/_Clay D. Land _____
CLAY D. LAND
U.S. DISTRICT COURT JUDGE
MIDDLE DISTRICT OF GEORGIA